

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RECEIVED

2006 AUG 11 A 9:40

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

LINDA WILLIAMS SHELTON

PLAINTIFF,

VS.

2:06CV719-WKW
CV-2006-

ALL STATE FREIGHTWAYS, INC.

JURY TRIAL DEMANDED

DEFENDANT.

COMPLAINT

STATEMENT OF THE PARTIES

1. Plaintiff Linda Williams Shelton (hereinafter sometimes referred to as "Shelton") is over the age of nineteen (19) years of age and is a resident of Elmore County, Alabama.
2. Defendant All State Freighways, Inc. (hereinafter sometimes referred to as "All State"), upon information and belief, is a limited partnership who is a resident and citizen of a state other than Kentucky and whose principal place of business is located outside the State of Alabama. At all times pertinent hereto, Defendant All State acted through its duly authorized agents, servants, employees or legal representatives, all of whom acted within the line and scope of such agency, service, employment or representative capacity. Alternatively, Defendant All

State has adopted, affirmed and/or ratified the actions of its agents, servants, employees or legal representatives with regard to the allegations of this Complaint.

3. At all times pertinent hereto, the vehicle which collided with the Plaintiff was driven by James Ray Dunn, who was acting as the duly authorized and appointed agent, servant and employee of Defendant All State, who was acting within the line and scope of his agency, service and employment at the time of the collision herein.

COUNT I

(Negligent Operation of Motor Vehicle)

4. Plaintiff realleges all the allegations of the above and foregoing paragraphs, and in addition thereto, alleges that, on or about February 25, 2005, Defendant negligently caused or allowed a motor vehicle owned by Defendant and operated by its agent, servant or employee to collide with the rear of Plaintiff's vehicle, thereby causing damage to Plaintiff and to Plaintiff's vehicle.
5. As a proximate consequence or result of Defendant's negligence, Shelton was caused to suffer and incur the following injuries and damages:

She was made to be sick and sore; she sustained bruises, abrasions and contusions; she sustained an injury to her neck and back; she underwent medical treatments for her injuries; she has undergone and continues to undergo physical therapy; she has suffered substantial physical pain in the past and will continue to suffer with such physical pain in the future; she has suffered mental anguish in the past and shall continue to suffer such mental anguish in the future; she has suffered a permanent physical impairment to her body; she was temporarily and totally disabled pending her recuperation; she has recuperated to a point; however, Plaintiff has sustained a permanent physical disability to her body; she has lost

enjoyment of life. Plaintiff also suffered property damage to her motor vehicle.

WHEREFORE, LINDA WILLIAMS SHELTON demands judgment against Defendant ALL STATE FREIGHWAYS, INC. for such compensatory and punitive damages as the jury may assess, such sums to be in excess of \$75,000.00, plus costs.

COUNT II

(Wanton Operation of Motor Vehicle)

6. Plaintiff realleges all the allegations of the above and foregoing paragraphs, and in addition thereto, allege that, on or about February 25, 2005, Defendant wantonly caused or allowed the motor vehicle owned by Defendant and operated by its agent, servant or employee to collide with the rear of Plaintiff's vehicle, thereby causing damage to Plaintiff and to Plaintiff's vehicle.

7. As a proximate consequence or result of Defendant's wantonness, Shelton was caused to suffer and incur the following injuries and damages:

She was made to be sick and sore; she sustained bruises, abrasions and contusions; she sustained an injury to her neck and back; she underwent medical treatments for her injuries; she has undergone and continues to undergo physical therapy; she has suffered substantial physical pain in the past and will continue to suffer with such physical pain in the future; she has suffered mental anguish in the past and shall continue to suffer such mental anguish in the future; she has suffered a permanent physical impairment to her body; she was temporarily and totally disabled pending her recuperation; she has recuperated to a point; however, Plaintiff has sustained a permanent physical disability to her body; she has lost enjoyment of life. Plaintiff also suffered property damage to her motor vehicle.

WHEREFORE, LINDA WILLIAMS SHELTON demands judgment against Defendant ALL STATE FREIGHWAYS, INC. for such compensatory and punitive damages as the jury may assess, such sums to be in excess of \$75,000.00, plus costs.

P.O. Box 780608
213 Barnett Boulevard
Tallasse, Alabama 36078
Telephone: 334/283-6855

MICHAEL S. HARPER
A PROFESSIONAL CORPORATION


MICHAEL S. HARPER HAR-094
Attorney for Plaintiffs

PLAINTIFF DEMANDS A TRIAL OF THE ISSUES RAISED HEREIN BY STRUCK JURY.


OF COUNSEL